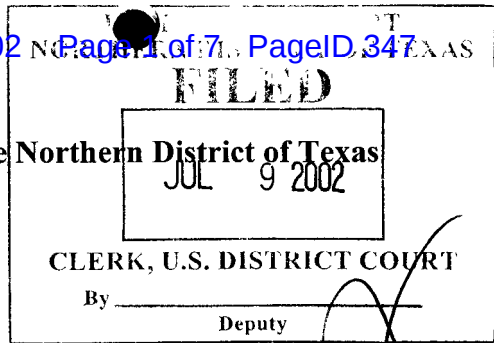


**In the United States District Court for the Northern District of Texas
Dallas Division**

(USA and)
Jamal Elhaj-Cehade
Co- plaintiff

Vs.
Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants

**Plaintiff's response to the defendants filing and the plaintiff countermotion for
sanction until the plaintiff needs are identified/met.**



3:01-CV-01301-L

July 5, 2002

Comes now on this time the plaintiff is filing his response for the defendants filings received on July 5 and 7, 2002 as follow

FACTS

- 1- The Plaintiff asserts that the defendants **admitted to** owe the plaintiff's duty to **IDENTIFY AND ASSIST AND MEET HIS NEEDS**(see the defendants statement carefully as it must be read in full) and the ECFMG must use its resources as a tax exempt to such purpose(identify and meet the plaintiff needs and promote his best interests etc...). Any use outside that scope(like hiring an army of attorneys to crush the plaintiff) constitutes misuse for which the defendants are liable to the plaintiff should the outcome of this litigation be unfavorable to the plaintiff.
- 2- All The defendants statements and filings contains Fraud and deception. Thus they are not admissible by the court because of elements of Fraud Young v Nationwide life Insurance 2F Supp. 2d 914 USSD Texas 1998; and Myers v. Guardian Life In.Co. of America 5 F Supp 2d 423 NSND- Mississippi 1998.
- 3- All the evidences submitted by the plaintiff including appendices APP 247 and 249 are admissible under FRCP rules of evidences¹
- 4- Any unfavorable order against the plaintiff constitutes a misdiagnosis(bad identification) and mistreatment(wrongful and aggravated assault as bad meeting) of the plaintiff's needs and will not lead to the plaintiff advancement or excellence but rather stagnation and more bitterness etc...and the defendants are liable.

¹ APP 249 and 247 are part of defendants tax files for 1997 and 1999 and they are authenticated and sworn true by the defendants ECFMG (Executive **Dennis Donohue**). And they are authenticated by the US Government(source) and published by a nonparty (see www.guidestar.org) are admissible(FRCP 901 28 U.S.C.A. **Gonzales v. Digital equipment** 8 F Supp 2d 194 EDNY 1998). And without authentication because they fit into the category (where original in possession of defendants, or governmental and public sources, or submitted as exhibits explained and sworn by the plaintiff, or published by the defendants in their directories and publications(the plaintiff stated he will submit an original ECFMG booklet to the court at any time or at the request of the court), or because the defendants opposing the evidence failed to state why this documents need authentication FRCP rule 901, 28 USCA **Gonzales v. digital** etc... and because lack of signature does not render them inadmissible **Munson v. Hajjar** 148 F 3d 711 USCA-7 Illinois 1998 etc.. In addition, all other exhibits submitted by the plaintiff fit into any of the above categories, therefore they are all admissible.

- 6- The plaintiff asserts that the case 3:99-CV-680-D and 3:98-CV-1622-P are the same incident and arising from the same action. And that the defendants attorney admitted on April 11, 2002 at 1:03 PM to the long **existing Ex-Parte Communication** between the court and his client that prevented the plaintiff from prosecuting the two cases together
- 7- The plaintiff asserts that he brought 3:99-CV-680-D On March 1999 because of Statute of limitation and the plaintiff submitted at least seven requests and inquiries to expedite the proceeding so he would consolidate them but the **Exparte communication prevailed**³. Therefore the plaintiff is requesting the cases to be reopen with all the claims consolidated. The ECFMG will be liable to both the plaintiff and to UTSW(and this is what is called a true justice without exparte communication).and if the cases were not open, the reversal of the old Traces do constitute a plaintiff's NEEDS that must be met by the defendants. Simply the defendants do not have any room of escape and any delay will only increase the cost of litigation and violate FRCP.
- 8- The plaintiff asserts that his lawsuit 3:99CV680-D was timely filed and must not be influence by the IFP motion approval Minetti v. Port of Seatle, 152 F.3d 1113 (USCA 9 Washington)
- 9- Resjudicata never apply also because the previous cases lack any validity for various reasons etc.. and because the two cases are for two different time frame and because the newer case does have claims never raised previously. If the previous case involve a theft of a bicycle, the newer cases involve a motor vehicle at a later date.

Defense

- 1- All the previous proceedings against the ECFMG and against UTSW were done with predetermined result due to **exparte communication** (defendants admitted)between the ECFMG and the court. And that all proceeding and outcome are thus void and new proceeding must be initiated as to include UTSW who will have claims against ECFMG too for creating the condition between the plaintiff and UTSW.

³ Evidence of Exparte communication exist by the threat the plaintiff received on December 15 1998 at 11:00AM in the USDC clerk office by two security armed officers, and by court denial to the plaintiff seven requests to expedite the proceeding in the case 3:99-CV-680-D and the refusal to consolidate the matters later and by the July 6, 2000 USDC order denying the plaintiff to conduct his deposition. And by forcing the plaintiff to consent or else before a Magistrate judge- and on April 11, 2002 at 1:03 PM< the defendant attorney admitted to the long existing exparte communication between his client and the court in that everything was predetermined and prearranged to make it look like Legal--. it is unconceivable.

- 4- The plaintiff does have a standing challenging the Tax exempt status of the defendants because the defendants are using the plaintiff to unjustly enrich at his expenses and needs and using the plaintiff as a beneficiaries while doing the opposite. And the defendants admitted to the linkage between the plaintiff's best interests and their status as exempt. Since the plaintiff best interest were never achieved or done the defendants must stop using the plaintiff as a cause. Therefore the plaintiff does have a STANDING protecting his own INTERESTS in this case- in addition the plaintiff did file a claim with the US Government regarding the matter⁵
- 5- The plaintiff did not bring this legal action under Code 501-C-3, The plaintiff brought this legal action because of the defendants violations toward the plaintiff duty(must identify and meet the plaintiff needs and promote his excellence and advancement and serve his best interests and expand his opportunities and maximize his benefits etc...) that occurred to be associated with their status as such- therefore any violation is a double edged violation(one edge being the US Government)
against
- 6- The plaintiff rejects the defendants argument of their having a difficulty against the plaintiff(where were those difficulties when the defendants were happily buying court orders in the previous case) . the plaintiff language is clear and it is a copy of the defendants language(the plaintiff simply asked the defendants to start promoting his excellence and advancement and identify his NEEDs and meet them and maximize his benefits and conduct analysis and research and identify his needs and develop programs and policies and meeting his needs and Fast)- The plaintiff is not responsible if the defendants CANNOT understand their own language_ However as a good will gesture, the plaintiff will submit his plans and combinations at a later date (motion to do so if hereby filed)later once the defendants ECFMG admit to their failure by asking the plaintiff to do it. *All the defendants arguments are disputed and rejected*
- 7- Since the plaintiff did ask the defendants to fulfill their obligation, the plaintiff is hereby having an extremely **MERITOUS** claims and he can prevail on the merit because the defendants admitted to their refusal and failure to identify and meet the plaintiff's NEEDs(defendants were caught with their pants down in the case 3:99_CV-D and 3:98-CV-1622-P) and the defendants are abusing the plaintiff. And they are liable the plaintiff loss of support N.Y. McKinney's EPTL 5-4.3(a)—Mono v. Peter Pan Bus Lines 13 F. Supp. 2d 471.(SDNY 1998)
- 8- The plaintiff does have a meritorious claims and many lawyers told the plaintiff of his meritorious winning case and some attorneys told the plaintiff of the potential of having this case to be class action should some additional conditions are met- but the plaintiff is prosecuting his **own meritorious claims** with **legally protected interests** and **standing and benefits** (**USCA Const Art 3 3§2 cl.1—id**) and **Animal Legal Defense Fund v. Glickman 154 F.3d 426 CADDC 1998.**

⁵ In addition to the fact the plaintiff does have a standing defending his interests in this case and with his own separate claims and demands. The plaintiff also filed a claim with the US government which entitles him to receive a 15% of the money collected by the Government and the plaintiff does reserve his rights to relinquish any portion of that 15% at a later date.

- 9- This case must not be prosecuted solely on the merit rather **with jury** and the public will side with the plaintiff because the public is sick of corporate corruption and abuse(Enron, Worldcom etc..) especially when the defendants are fraudulently abusing the charities and non-profit charade.—It is unconceivable.
- 10- The plaintiff asserts that his stress is not related to the lawsuit per se but to the **prejudice** he was subjected to.
- 11- The plaintiff asserts that the defendants are not allowed to answer or file anything absent identifying and meeting of the plaintiff's NEEDS and the plaintiff's legal NEEDS are priority over all NEEDS.
- 12- The defendants admitted to have a duty to identify, assist and meet those needs and maximize his benefits and provide him with information. And the defendants must have developed programs and policies that MEET the plaintiff's NEEDS(please read the matter carefully). If the defendants developed such programs/policies that meet the plaintiff's, then it is the duty of the defendants to provide the plaintiff with the appropriate information and not deceptive information.
- 13- The plaintiff asserts that denying the plaintiff to any meaningful access to the court, and subjecting the plaintiff to undue burden is not a NEEDS and the plaintiff must never be subjected to such treatment.---IT is unbelievable
- 14- The plaintiff reaffirms that he was unjustly treated by the court and the evidence is plenty and the plaintiff was denied to have a proceeding that included both UTSW and the ECFMG. If proceeding were done as such then the ECFMG would be liable to both the plaintiff and the other co-defendants UTSW
- 15- The plaintiff asserts that all the defendants' filings and their contents are misleading and thus disputed by the plaintiff and the plaintiff is Urging this court to conduct an emergency oral hearing before a judge and in which all parties are present, any order outside these premises constitute Ex parte communication
- 16- The plaintiff asserts that his claims DO Have THE maximum of MERIT because the defendants admitted to have a duty toward the plaintiff to promote his excellence and advancement and maximize his benefits and expand his opportunities and serve his best interests(evidences were obtained from the US Government)—the court must look to the history of the defendants{ During the litigation, the defendants have shown their willingness to crush the plaintiff without any decency or regard to his NEEDS and without any attempt on their part to identify and meet the plaintiff

NEEDS)⁶. And the plaintiff is asking the defendants attorney to submit his list of expenditure so far.

- 17- The plaintiff denies the defendants attorney allegations that he said he want to receive ten years compensation and he refused to state what he wants, the plaintiff simply stated that it is better to stop the losses before july 2002 and the plaintiff wants Mr Roberts to tell his clients(defendants) to identify and meet the plaintiff's needs- when Mr Robert inquired, the plaintiff stated that this expression in the defendants own words and they should understand it(it is their own making)- However, if the defendants are not willing or incapable to identify and meet the plaintiff's needs, they must say so in writing and the plaintiff will then intervene(the plaintiff does have a plan.⁷
- 18- The plaintiff brought this action and it include deceptive practices and unjust enrichment, the evidence were discovered after the decision of 3:99CV680-D and those claims were never brought before, therefore they are all within the statute of limitation and NO resjudicata apply- in addition this case also include charges for recent actions of refusal to identify and meet the plaintiff's needs(after the action 3:99_CV_680-D was initiated) therefore this is new cause of action and relatively recent.
- 19- The Plaintiff asserts that this court does have a duty to compensate the plaintiff for the past injustice done to him by the courts(denying him a consolidated hearing between UTSW and ECFMG: and by deliberate delay of proceeding in the case 3:99_CV_680-D for nine months making it unprosecutable) such compensation can be done either by reopening all the past proceedings against UTSW and ECFMG and consolidating all the matters for a new proceeding de novo(a delayed justice is better than no justice at all), or by compensating the plaintiff for past injustice through monetary and other awards in this case.
- 20- The defendants must identify and meet the plaintiff needs(a duty) and the plaintiff's legal NEEDS are priority.
- 21- Everything that the plaintiff needs to promote and expedite his advancement(not stagnation), his employment, his best interests, and maximize his benefits and expand his opportunities and skill etc...

⁶ The plaintiff's litigations were all preventable, and the defendants money spent on litigations would have greatly improved the plaintiff's conditions and met his NEEDS. The defendants are simply meeting everybody's needs but those who are supposed to be the proper recipients.

⁷ Meeting the plaintiff needs is a combinations of efforts that enhance the advancement and prosperity of the plaintiff, maximizes his benefits, serve his best interests, expand his opportunities and must eliminate duplication of effort and resource(quick fast and best result), concentrate on the real matters and eliminate all the bad traces of the past or erase the scars of the past(through compensation), and prevent **stagnation and waste and discrimination**---- in short minimize the pain and maximize the benefits of the plaintiff, and eliminate all the potentials of retaliation—All of these are part of the defendants aims and mission and Bylaws etc..

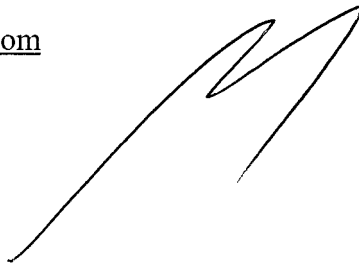
- 22- There ECFMG wiped out(lost misplaced or alternative) **millions** of dollars missing that were supposed to identify and meet the plaintiff needs and be used in programs that benefits all doctors educated overseas. Such funds were channeled to finance the defendants illegal underground operations(see plaintiff's motion for summary judgment).
- 23- The plaintiff reaffirm his request for injunction against the defendants because today is July 2002, and the time passed(with its opportunities) is a time irreversibly lost. And the plaintiff does not wish to lose irreversibly 2003 year also(therefore there are irreversible damage regarding time and its associated opportunities). And the defendants repeatedly brag about their violation of the law--- therefore the plaintiff does have a prevailing case because the judges will no longer act as cheerleaders for the defendants. Every year lost is in itself irreversible loss. Therefore an injunction is must even if the irreversible loss is small(months or year)
- 24- The plaintiff asserts he does have a meritous claims and some lawyers told the plaintiff that, if other conditions are met, this case will qualify as a Class action. However the plaintiff will give this information to other parties hopeful a class action or separate actions be initiated in California or in Chicago or in DC, or Tennessee. The abuse must end
- 25- The plaintiff asserts that his advancement and excellence were never done, and his needs were never identified nor met- therefore, the plaintiff is asking the ECFMG stop using the plaintiff(or his group)- and that the defendants non-profit status is disputable being acquired under fraud.
- 26- Since the defendants admitted and confessed to their undisputed obligations and commitments toward the plaintiff(and all FMGs), any further discussion about such a duty is **an expost facto and thereby moot**.
- 27- The defendants continue arrogantly to violate the laws and brag about it. Therefore the court will discern between the habitual violators(defendants) and the helpless plaintiff who was drawn into the mud of litigation against his wishes(the plaintiff would rather be working and having a life and kept his loved ones).

Therefore wherefore premises considered, the plaintiff prays that an **injunction** asking the defendants to start promoting his excellence ad advancement and start identifying and meeting his needs and maximizing his benefits etc...an injunction to stop the ongoing Violations and start acting within the laws. The abuse must end. And that an oral hearing be done in the presence of all parties in which each Party will have his own opportunities to answer.

Certificate of service and conference: this is to certify that this filing was done after plaintiff's call of the defendants attorney Mark Robert on Friday June 5, 2002 asking him to stop the increase of the cost of litigation and tell his client to start promoting the plaintiff's excellence and advancement and

identifying and meeting the plaintiff needs(and that this matter should easy for them to do because of the defendants extensive experimentation upon the plaintiff and contacts etc...) as stated in their admission and bylaws and if the defendants do not understand their own words or they do not know what to do, they must provide the plaintiff with a request to provide his own plans and steps ...And that a true copy of the foregoing and the attached documents and exhibits and statements(that the plaintiff submitted so far) that the plaintiff certified them **under penalty of perjury as true** , all of which were sent to the defendants attorney MRS Susan Schwartz/ Mark Roberts at their address of record via USPS regular prepaid mail on July 9.2002 ⁸to the address 6688 N Central Expressway# 850, Dallas, Texas 75206-3913. Tel 214-219-8833. the plaintiff also sent a copy of this filing via email to the defendants attorney on the same day. And the plaintiff may send a copy to other parties or media

Respectfully submitted
Dr Jamal Elhaj_chehade, pro-se(tentatively), plaintiff
5414 Cedar Springs # 806
Dallas Texas 75235
e-mail heyjam7@yahoo.com



⁸ The plaintiff without waiving any rights or the alternatives will submit his own plans for advancement and excellence and identifying and meeting of the plaintiff's NEEDS- But since the defendants are supposed to do it, the plaintiff must wait for their answer.